

## **REMARKS**

### **Introductory Comments**

The present application includes claims 1-22, wherein claims 1, 10 and 17 are presented in independent form. Applicants appreciate the Examiner's indication that claims 10-16 are allowed. With this Amendment, Applicants have amended claims 1 and 22 to place the application in condition for allowance or for consideration on appeal.

### **Claim Rejections**

The Examiner rejected claims 1-4, 7, 8, and 17-22 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 4,945,592 to Sims et al. in view of U.S. Patent No. 4,905,944 to Jost et al and U.S. Patent No. 5,678,267 to Kinder. Claims 5 and 6 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Sims et al. in view of Jost et al. and Kinder and further in view of U.S. Patent No. 4,886,237 to Dennis. Claim 9 has been rejected under 35 U.S.C. § 103(a) as being unpatentable over Sims et al. in view of Jost et al. and Kinder and further in view of U.S. Patent No. 5,556,065 to Wadley.

Claim 1 has been amended to state that the first coupler is configured to lock the first push handle relative to the frame in one of a plurality of discretely spaced positions and that the first grip portion is supported for pivoting movement about a vertical first axis of rotation.

None of the cited references disclose, teach, or suggest claim 1 is amended. Furthermore, this language appears in claim 10 which has been allowed. Consequently, Applicants believe that claim 1 is allowable and that claims 2-9, 21 and 22 are allowable as well.

#### **Claim 17**

Claim 17 recites that the push handle includes an axis, the grip portion has the same axis as the push handle, and the grip portion is configured to move along the axis of the push handle. Applicants believe that none of the cited references disclose, teach, or suggest the claimed push handle and grip portion as recited in claim 17.

The Examiner states on page 3, lines 1-7 of the Office Action mailed April 20, 2005 that "Jost shows a handle (10) with a grip portion (70) coupled to the handle, and an accessory (12) coupled to the handle." Applicants respectfully disagree with the Examiner's statement regarding Jost. Element 10 of Jost is not described as a handle, but is instead stated to be a "main pole 10." (See Jost, column 2). Element 10 is recited at least ten times in column 2. In each instance, element 10 is referred to as "main pole" 10. Applicants request

that the Examiner point to the language in Jost which refers to element 10 being a “handle or to any language which teaches or suggests that element 10 is a “handle.”

Jost does describe a “handle 70” which is carried by the “main pole 10.” As far as Applicants have been able to discern from a reading of Jost, the handle 70 is a different structure than the main pole 10 and never does Jost state otherwise. Applicants therefore believe that element 10 of Jost is not a “handle” (as characterized by the Examiner) nor does Jost suggest or teach that the “main pole 10” of Jost is a handle. In addition, Jost does not suggest or teach that the “main pole 10” is a handle since Jost specifically provides for a “handle 70” carried by the “main pole 10.” Consequently, Applicants believe that Jost does not disclose, suggest, or teach element 10 being a handle.

The Examiner also states that element 70 is a “grip portion 70” in the Office Action. As the Examiner has done with element 10 of Jost, Applicants believe that the Examiner has mischaracterized this element, as well. Jost does not state that element 70 is a grip portion, but only that element 70 is a “handle 70.” Applicants find three references to element 70 in the issued patent and in each instance element 70 is referred to as “handle 70.” Applicants therefore believe that Jost does not describe element 70 as being a “grip portion” as stated by the Examiner.

Jost does refer to “a grip enhancing material such as rubber sleeve 72” (see column 2, lines 23-28). Also, please see “a portion of the handle 70 is covered with rubber sleeve 72 to enhance user gripping” (see column 3, lines 17-19). If Jost suggests or teaches that any element should be characterized as a “grip portion”, it appears that “sleeve 72” is a grip portion, but not the handle 70.

Since element 10 is not a “handle” and element 70 is not a “grip portion”, Applicants believe that Jost does not disclose, suggest, or teach Applicants’ claimed invention of a grip portion concentrically coupled to and having the same axis as a push handle and configured to move along the axis of the push handle.

Therefore Applicants believe that claim 17 is in a condition for allowance. Removal of the rejection and allowance of claim 17 is respectfully requested. If the Examiner should disagree with the Applicant’s understanding of the references or the Applicant’s arguments, the Examiner is asked to point out with particularity where the elements of the claims are disclosed. Since claims 18-20 depend claim 17, which Applicants believe is allowable, it is respectfully submitted that these claims are likewise in condition for allowance.

**Final Comments**

Applicants appreciate the Examiner's indication that claims 10-16 are allowed.

In view of the foregoing, it is respectfully submitted that all of the solicited claims are in condition for allowance. Such action is respectfully requested.

If necessary, applicants request that this response be considered a request for an extension of time appropriate for the response to be timely filed. Applicants request that any required fees needed beyond those submitted with this response be charged to the deposit account of Bose McKinney & Evans, Deposit Account No. 02-3223.

The Examiner is invited to contact the undersigned at the telephone number provided below should any question or comments arise during the course of consideration of this matter.

Respectfully submitted,

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